

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID CARMICHAEL,

Plaintiff,

v.

CAROL HOLINKA, J. PHEIFER,
PHILLIP SHANKS, and JANIS CONE,

Defendants.

ORDER

10-cv-125-slc

Plaintiff David Carmichael, a prisoner at the Federal Correctional Institution in Oxford, Wisconsin, has submitted a proposed complaint. He requests leave to proceed *in forma pauperis* and has supported his request with a copy of his trust fund account statement. However, plaintiff has not signed his complaint as required by Fed. R. Civ. P. 11. If plaintiff wishes to continue with this lawsuit he will be required to file a signed copy of the complaint. In addition, because plaintiff is a prisoner, he is subject to the 1996 Prisoner Litigation Reform Act. This means that before this court may decide whether he can proceed with his complaint *in forma pauperis*, plaintiff will have to make an initial partial payment of the \$350 filing fee. From the trust fund account statement plaintiff has submitted, I calculate his initial partial payment to be \$22.81. Also, plaintiff must pay the remainder of the fee in monthly installments even if his request for leave to proceed is denied. Plaintiff should show a copy of this order to prison officials to insure that they are aware they should send petitioner's initial partial payment to this court.

ORDER

IT IS ORDERED that plaintiff may have until April 6, 2010, in which to file a signed copy of the complaint in this case and submit \$22.81 as an initial partial payment of the \$350 fee for filing this case. If, by April 6, 2010, plaintiff fails to submit a signed complaint and make the necessary initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 15th day of March, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge